

Form PTO-1390 (REV. 11-2000)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY DOCKET NUMBER 5051-660
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>10/530151</b>	
INTERNATIONAL APPLICATION NO. <b>PCT/US03/33637</b>	INTERNATIONAL FILING DATE <b>17 October 2003</b>	PRIORITY DATE CLAIMED <b>24 October 2002</b>	
TITLE OF INVENTION <b>WATER SOLUBLE TOXIN PRODUCED BY PHIESTERIA SPECIES</b>			
APPLICANT(S) FOR DO/EO/US <b>BURKHOLDER, JoAnn, GLASGOW, Howard, Jr., RAMSDELL, John, S., MOELLER, Peter, D.R., and MORTON, Stephen, I.</b>			
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:			
<ol style="list-style-type: none"> <li><input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li><input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li><input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (22) indicated below.</li> <li><input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31).</li> <li><input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))             <ol style="list-style-type: none"> <li><input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li><input checked="" type="checkbox"/> has been communicated by the International Bureau.</li> <li><input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li><input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))             <ol style="list-style-type: none"> <li><input type="checkbox"/> is attached hereto.</li> <li><input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4)</li> </ol> </li> <li><input type="checkbox"/> Amendments to the claims of the International Application Under PCT Article 19 (35 U.S.C. 371(c)(3))             <ol style="list-style-type: none"> <li><input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li><input type="checkbox"/> have been communicated by the International Bureau.</li> <li><input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li><input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li><input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li><input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li><input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report Under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol>			
<b>Items 11 to 21 below concern document(s) or information included:</b>			
<ol style="list-style-type: none"> <li><input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li><input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li><input type="checkbox"/> A <b>FIRST</b> preliminary amendment.</li> <li><input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</li> <li><input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li> <li><input type="checkbox"/> A substitute specification.</li> <li><input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li><input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.</li> <li><input checked="" type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</li> <li><input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4)</li> <li><input type="checkbox"/> Other items or information:</li> </ol>			

Rec'd PTO 01 APR 2005

## 21. The following fees are submitted:

- a) Basic national fee ..... \$300.00  
 b) Examination fee ..... \$200.00  
 c) Search fee ..... \$500.00

**TOTAL OF ABOVE CALCULATIONS = \$1000.00**

Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.

Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE
16-100+	-/50+	0	X \$250.00

Surcharge of \$130.00 for furnishing the oath or declaration later than  20  30 months from the earliest claimed priority date (37 CFR 1.492(e)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	13- 20 =	0	x \$ 50.00
Independent Claims	2- 3 =	0	x \$200.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00

**TOTAL OF ABOVE CALCULATIONS = \$ 0'**

Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2

**SUBTOTAL = \$1000.00**

Processing fee of \$130.00 for furnishing the English translation later than  20  30 months from the earliest claimed priority date (37 CFR 1.492(f)).

**TOTAL NATIONAL FEE = \$1000.00**

Fee for Recording the enclosed assignment (37 CFR 1.21(h)). The assignment is filed under Refusal No. 00000009 DAB: 500220 10530151 accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 + 100.00 DA

**TOTAL FEES ENCLOSED = \$**

Amount to be refunded: \$
charged: \$

- a.  A check in the amount of \$ to cover the above fees is enclosed.
- b.  Please charge my Deposit Account No. 50-0220 in the amount of \$1000.00. A duplicate copy of this sheet is enclosed.
- c.  The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0220. A duplicate copy of this sheet is enclosed.
- d.  Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

Myers Bigel Sibley & Sajovec, P.A.  
 P. O. Box 37428  
 Raleigh, North Carolina 27627  
 Facsimile: (919) 854-1401  
 Customer No. 20792

Signature: Kenneth D. Sibley, Reg. No. 31,665

Date: April 1, 2005

**CERTIFICATE OF EXPRESS MAILING**

Express Mail Label No. EV 674759245 US

Date of Deposit: April 1, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450.

Evelyn Casey  
 Evelyn Casey